



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO 80204

Reply to
Attn. of:

NOV 8 1993

SP 94-C-29

Subject: Commercially Prepared Fresh Food Items--Including Those Containing Meat (Pizza, etc.)

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri ED,
(Special Nutrition Programs) Montana OPI, Nebraska ED, North Dakota,
South Dakota, Utah, Wyoming ED

In recent years school food service operations have increased their use of fresh, ready-to-eat food items purchased from commercial restaurants, chiefly from outlets of nationally-known restaurant chains such as Pizza Hut. These items are being offered in school food services both in "a la carte" service and as part of reimbursable meals in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

The following issues arise in connection with this practice:

1. **Food service management:** No school operating the NSLP or SBP may enter into a sales agency agreement with a commercial vendor. Please see memorandum SP 94-C-8 for a full discussion of this issue and for current guidance.
2. **Procurement:** The purchase of any food item for use in the nonprofit school food service must be governed by the rules and procedures which apply to all procurement in the NSLP and SBP. The purchase of particular name-brand items which reflect student taste preferences are to be accommodated within the standard procurement process.
3. **Meal pattern requirements:** Any fresh, ready-to-eat commercial food items which are served as part of the meal pattern of reimbursable meals must have their contribution documented. The vendor may be required by the school to provide a product specification sheet to serve as documentation.
4. **Local health requirements:** The school must check to be certain that arrangements for the delivery of fresh food items conform to all State and/or local health department requirements.
5. **USDA Food Safety and Inspection Service (FSIS) inspection requirements:** These requirements apply to any commercial vendor of food items which contain meat, including fresh ready-to-eat items prepared in restaurants, when these items are sold for re-sale or service by a second entity (such as a school food service). FSIS regulations require a meat inspection at the time the items are produced in their final ready-for-

sale form. Unless the commercial firm (restaurant) has an exemption from this inspection requirement (these can be claimed for certain types of pizzas and sandwiches--see below)--**NO SCHOOL IN THE NSLP OR SBP MAY PURCHASE AND SERVE ANY FRESH, READY-TO-EAT FOOD ITEM CONTAINING MORE THAN THREE PERCENT RAW MEAT OR MORE THAN TWO PERCENT COOKED MEAT (BLY WEIGHT) WHICH HAS NOT RECEIVED THE REQUIRED FSIS INSPECTION.** Schools should be made aware that the food items containing meat (including meat tacos, and fried or otherwise cooked chicken) which many commercial restaurants offer for sale to school meal programs are not exempt from FSIS inspection requirements. All questions about the details of FSIS inspection requirements and exemptions must be addressed to FSIS.

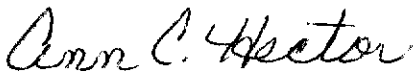
EXEMPTION FROM FSIS INSPECTION REQUIREMENTS

It is our understanding that only two types of fresh, ready-to-eat food items containing meat may be exempt from FSIS inspection requirements: certain types of sandwiches containing meat, and certain types of pizza containing meat. The FSIS Final Rule which extended exemption from inspection to certain types of fresh meat pizza (certain types of meat sandwiches already have an inspection exemption of long standing) was published in August, 1992. The principle provisions of the Rule are:

- meat or poultry products must have been previously inspected and passed in a cooked or cured ready-to-eat form.
- Pizzas must be served in public or private nonprofit institutions.
- Pizzas must be ready-to-eat with no further cooking or preparation needed.
- Pizzas must be transported directly to the receiving institution by employees of the preparing firm, receiving institution or food service management company employed by the receiving institution.
- Firms claiming the exemption from FSIS inspection are not required to have prior approval from FSIS in order to operate under this exempt status. Adhering to the limitations on operations and sales peculiar to this exemption establishes the exemption. Firms must also comply with specific provisions of the Food and Drug Administration's 1976 Food Service Sanitation Manual which have been incorporated by reference into the Rule. In addition, the Rule establishes specific requirements for the manual or machine cleaning of utensils and equipment.
- FSIS may withdraw or modify the exemption for any firm if necessary to ensure food safety and public health. The Rule establishes due process procedures for taking such actions.
- Questions about the application and interpretation of this Rule will be addressed to the FSIS, not to the Food and Nutrition Service.

Firms (i.e. restaurants, etc.) which wish to claim the exemption are now free to sell fresh pizzas with meat or poultry toppings meeting the above criteria to school food authorities participating in the NSLP or SBP. Under this FSIS exemption, State and local health inspection programs have primary responsibility for sanitation, but FSIS also reserves the right to conduct any inspections it deems appropriate.

Please contact our office if you have any questions.



ANN C. HECTOR
Regional Director
Special Nutrition Programs